

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

This Document Relates to
J&J CLASS 1

MDL No. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

**AFFIDAVIT OF JOHN A. MACORETTA IN SUPPORT OF
CLASS COUNSEL'S MOTION TO ADD CLASS 1 REPRESENTATIVE
FOR J&J DEFENDANTS**

I, John A. Macoretta, pursuant to 28 U.S.C. §1746, on oath, depose and state as follows:

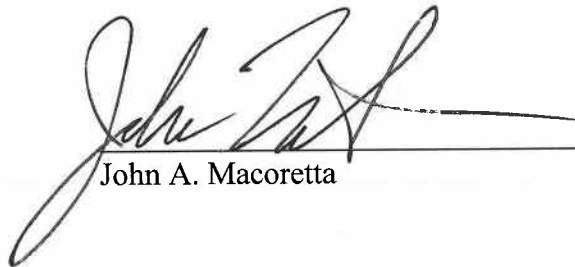
1. I am a partner at Spector Roseman Kodroff & Willis, P.C., co-lead counsel for the Class Plaintiffs.
2. I have spoken several times with Mrs. Jimmie Austed of Arlington, Texas. The details below are based on my conversations with Mrs. Austed.
3. Mrs. Austed has taken Remicade for Crohn's Disease since approximately 2000. During this entire time she has been covered by Medicare Part B. She did have supplemental insurance, however she was required to pay a percentage of the 20% co-pay out of pocket for her Remicade infusions. She has made such percentage co-payments.
4. Mrs. Austed has been provided with information regarding the status of the Class 1 case against the J&J Defendants, including a copy of the current Complaint. She has agreed to serve as a class representative for all Medicare Part B beneficiaries who paid or incurred an obligation to pay all or some portion of the 20% co-pay for Procrit or Remicade, the J&J Defendants' drugs. Mrs. Austed understands the duties of a class representative, including that

the Court may want additional information to support Class Counsel's Motion, and is willing to fulfill those duties.

5. We are in the process of obtaining copies of medical treatment and billing records for Mrs. Austed.

I declare under penalty of perjury that the foregoing is true and correct.

Date: June 9, 2010



John A. Macoretta

CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on June 9, 2010, I caused copies of **AFFIDAVIT OF JOHN A. MACORETTA IN SUPPORT OF CLASS COUNSEL'S MOTION TO ADD CLASS 1 REPRESENTATIVE FOR THE JOHNSON & JOHNSON DEFENDANTS** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

s/ Steve W. Berman
Steve W. Berman